

Stephen Biggs Testimony on HB 5341

Committee on Regulatory Reform

Wednesday November 7, 2007

327 House Office Building

Good morning Madam Chairwoman and Committee members. My name is Stephen Biggs. I am the Chairman of Town & Country Cedar Homes of Petoskey, Michigan.

We are a 60 year old luxury home builder. I have been in this business for 35 years, a licensed builder and a proud and active member of The National Association of Home Builders.

For generations, our people have proudly created finely crafted family homes; but, all of our accomplishments are overshadowed by the worst day in our company's history. We created an exceptional timber home for a wonderful client; Gene and Patti Overbeck. They were my friends. This was a high-end, expensive family dream on Elk Lake. It had all the amenities and features that we could think to provide. It did not have a C.O. Alarm.

Six months after the Overbecks moved into their Dream Home, Patti drove her car into the garage, grabbed her packages out of sequence, and closed the garage door. Her quiet car continued to run on a full tank of gas. Gene & Patti were discovered, as if getting dressed for an evening

out - - both dead of C.O. poisoning. This, or similar tragedies are repeated almost weekly in our State of Michigan: All for the lack of a \$20 to \$30 life saving C.O. Detector. Even our experienced company failed to provide one.

Over the past decade, the home building industry in collaboration with the Michigan Building Code has created a different kind of home. It is a highly insulated, extremely well-sealed structural envelope. These new structures do not experience the air exchanges and drafts of older homes. We have created a highly energy efficient, but unforgiving sealed chamber. Additionally we have developed and legislated high efficiency appliances, furnaces, and water heaters that are mechanically sensitive and can malfunction, causing C.O. release. For environmental reasons, wood burning fireplaces are being replaced with gas logs. The result of a closed damper over one of these new fireplaces is no longer telltale smoke. It is now odorless, colorless and very deadly C.O. gas.

We have created - and you have legislated the circumstances for this deadly danger to exist. I believe it is now incumbent on you, as our elected officials to complete your legislation with the safety it requires.

Carbon Monoxide alarms, just like Smoke Alarms, are inexpensive, certified for performance by the Underwriters Laboratories, and are saving lives

everyday. No-one would debate that lives are saved by the now legally required Smoke Alarms in new homes. And just like Smoke Alarms, C.O. Alarms help insure that our homes are safe for ourselves and our families.

The Overbecks would be here today, if their Dream home had included a \$25 C.O. Alarm. The Overbecks would be here today if the State of Michigan had C. O. Alarms required in its Building Code.

As a citizen of the State of Michigan; and as an experienced Michigan Homebuilder, I am asking you to do the right thing – Please take this opportunity to save lives by supporting HB # 5341. Thank you.

I would be happy to answer any questions.

MIRS Monday October 29, 2007

## **Bits And Tidbits**

According to the MAHB, homes built to today's Michigan Uniform Energy Code are up to twice as energy efficient, and three times as airtight as homes built before 1970. While more than half of Michigan's 4.2 million homes were built before Michigan had a statewide energy code and 1.2 million were built before 1960, only 264,578 homes have been weatherized in Michigan since the state's weatherization program began in 1977.

Article IV, Sec. 51 of the Michigan Constitution of 1963 provides:

**STATE CONSTITUTION (EXCERPT)**  
**CONSTITUTION OF MICHIGAN OF 1963**  
**§ 51 Public health and general welfare.**

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

**History:** Const. 1963, Art. IV, § 51, Eff. Jan. 1, 1964.  
**Rendered**

May 4, 2005

## UL 2034 Short History - CO Alarms

ANSI/UL 2034 the Standard for Carbon Monoxide Alarms has been one of UL's more active Standards. Initial work on the Standard started in 1989. UL 2034 was originally published in 1992 based on requirements extracted from similar gas and smoke alarm standards and information from the gas appliance, emergency response, and medical communities. The Standard was revised in 1995 to address initial concerns regarding stability of the CO alarms. In 1998 the Standard was revised to address comments from the gas industry and others related to performance and stability of CO alarms.

Changes to UL 2034 with an effective date of October 1, 1998 required CO alarms to exhibit their ability to ignore 30 ppm CO for 30 days and 70 ppm CO for one hour. A new sequence test was added to exhibit the ability of a CO alarm to resist multiple exposures of CO without an appreciable change in the alarm's response. Finally, marking and user instructions direct the user of the product when indicating an alarm to 1)-Operate the silence button, 2)- Call their emergency service organization, and 3)- Move to a location which has fresh air. Repeated activation of the alarm in a 24-hour period requires the same basic three steps plus contacting a qualified technician to trouble shoot the problem.

In an effort to harmonize UL 2034 with CSA/CGA 6.19 and to update UL 2034 additional revisions were adopted in 2001 as follows:

Increased the number of gases in the Selectivity Test, Section 39,

Revised the requirements in the Effect of Shipping and Storage Test, Section 45.2,

Added a new Section 74A to address reliability requirements,

Added Appendix D (Sample Size Determination for Time-of-Manufacture Reliability Testing) for reference only.

UL has completed a survey program to monitor the aging of CO alarms. In March of 1999 UL purchased approximately 70 alarms from retail establishments. Initial sensitivity tests were performed, and the samples distributed to members of the staff to be installed in their homes. Periodically these devices were returned to UL to repeat sensitivity tests. Tests were performed 12 times over a four-year period, and the results were very encouraging. A vast majority of the units performed exactly as required by UL 2034. A few responded a little early, and a few a little late. But all of the devices provided signals that would allow a homeowner to respond to elevated level of CO in the appropriate manor. Two separate devices reported significant CO events, and three other samples indicated supervised trouble signals and were examined by their manufactures.

UL 2034 recently completed ANSI canvas as an American National Standard, and is now designated ANSI/UL 2034. As with any UL Standard the STP committee continues to look at opportunities to make CO alarms more effective.

5 years: First day of school.  
8 years: Starting little league.  
17 years: Senior prom.

15 minutes: How long it takes to lose them all.

# OVERBECK FOUNDATION

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## Take action now.

There is good news about carbon monoxide poisoning. It's easily preventable. Several manufacturers offer CO detectors that are inexpensive and easy to install around your home. For a few dollars and in a couple minutes, you and your family will have the peace of mind of knowing that you are safe from one of our country's most deadly killers. For more information, or for a carbon monoxide detector, contact the Overbeck Foundation at 231-348-9329. Please don't wait another minute.

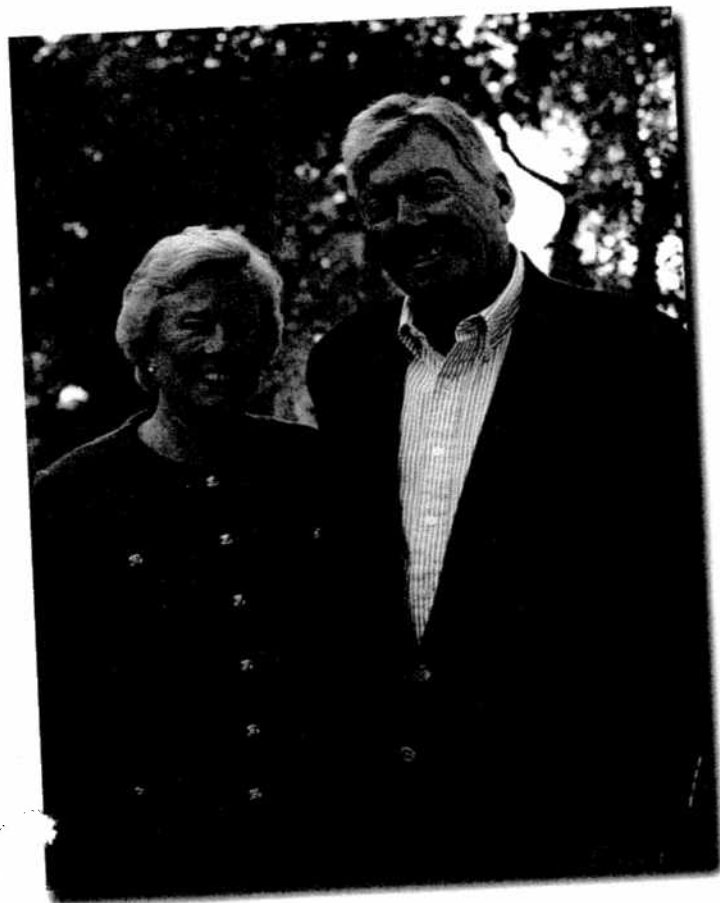


## In memorium

Patty and Gene's absence has left a great void in our lives. We think about them every day and wish that their grandchildren had the opportunity to experience the joys of being around Grandma and Grandpa. The purpose of the Overbeck Foundation is to promote awareness of carbon monoxide poisoning and to attempt to change attitudes and code laws concerning the installation of CO detectors in new homes. On a personal level, our family would get tremendous satisfaction in knowing that our efforts may, in the future, save a life. We needlessly lost two great people who still had many years of enjoyment ahead. We know they would appreciate our efforts so that their deaths were not in vain. There are many other families who have experienced this same tragedy, and it should not be that way.

Sincerely,

Richard Overbeck  
Tom Overbeck  
Liz Overbeck  
Katie Caress



*Patty and Gene Overbeck passed away from carbon monoxide poisoning in 2003, leaving behind four children and eight grandchildren.*

**OVERBECK**  
FOUNDATION

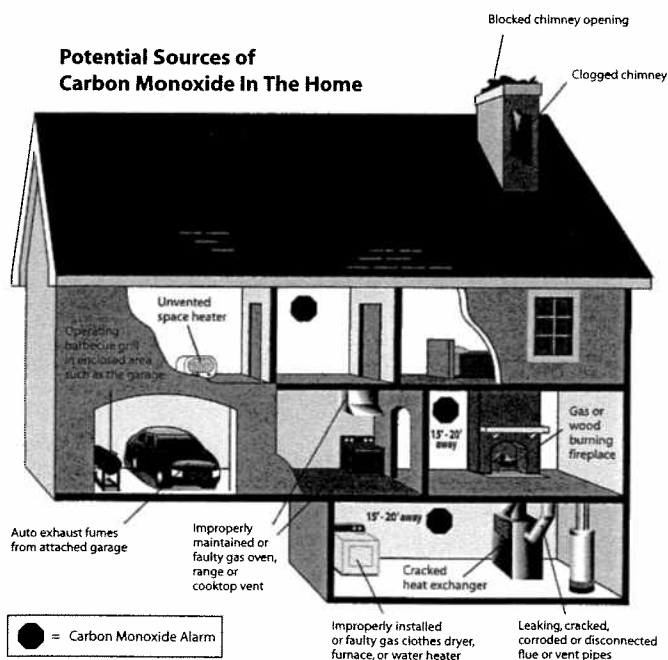
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Don't be blind to an invisible danger.

## Prevention starts with knowing.

According to The Journal of the American Medical Association, carbon monoxide (CO) is the leading cause of accidental poisoning deaths in America. Yet so many people know so little about this odorless, tasteless, colorless gas. And what you don't know can definitely hurt you. So what is carbon monoxide?

Carbon monoxide is a by-product of incomplete combustion produced when fuels like oil, gas or coal burn. It can be produced by cars, stoves, fireplaces, and water heaters. In short, it can occur anywhere in your house. Exposure to carbon monoxide produces flu-like symptoms such as nausea, dizzy spells, and fatigue. In many cases, it causes death.



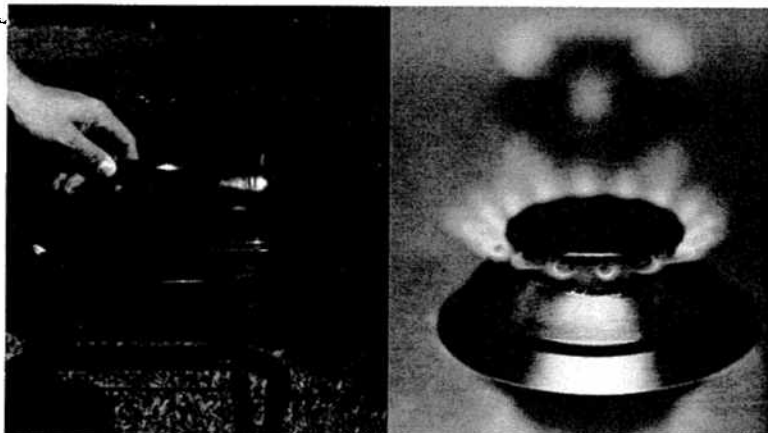
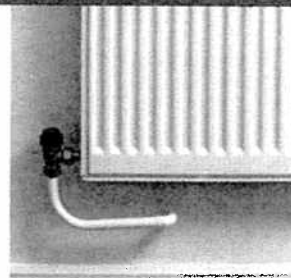
The Consumer Product Safety Commission recommends every home have at least one carbon monoxide alarm installed near the sleeping area. The International Association of Fire Chiefs recommends alarms be located on every level for additional protection.

## Consider the facts.

Carbon monoxide is a bigger health risk than you may think. Consider the facts:

- An estimated 1,000 people die from accidental CO poisoning every year.
- Several thousand people are admitted to hospital emergency rooms every year for treatment of CO poisoning.
- Poison control centers receive more calls for exposure to CO than to any other gas, fume or vapor.
- Of the estimated incidents of CO poisoning between 1992- 1996.

74% attributed to heating systems  
10% attributed to charcoal grills  
5% attributed to camp stoves/lanterns  
4% attributed to gas ranges/ovens  
3% attributed to gas water heaters  
3% attributed to other appliances





**Carbon monoxide.**

**A few critical moments  
can rob you of a lifetime.**

When it comes to carbon monoxide poisoning, it doesn't take long to lose everything. Just ask the Overbeck family. On a day not long ago, an entire family's future was forever changed because of a danger no one could see, hear, or feel. But with a little forethought, it could have been prevented.

### **A dream home becomes a nightmare.**

After years of working hard and raising a family, Patty and Gene Overbeck had just built and moved into their dream home; a vacation hideaway in beautiful Northern Michigan. Here they had planned to welcome and entertain their four kids, eight grandkids, and numerous friends. Gene had been actively involved in every aspect of construction, making sure the home had all the latest security devices. Everything, that is, except for carbon monoxide detectors. According to building codes in the state of Michigan, such detectors are not currently required.

One day, after running errands, a vehicle was left running in the garage. After a period of time, carbon monoxide filled the house. Patty and Gene never smelled or saw anything. They never had a chance.

***But you do.***

### **ALWAYS AND FOREVER**

*Gone...  
Dead...  
Never coming back,  
And there is no way to avoid it.*

*They were the ones who taught us the better things in  
life, and that family really matters.  
They showed all of us unconditional love,  
And taught us that the world is how u make it.*

*Patty and Gene,  
Two inspirations of life.  
Two you could look up to,  
And turn to when u needed someone*

*Loving, caring, and always there for us.  
Their everlasting love,  
Is what helped us through our journey,  
Which we know as life.*

*They were two beautiful people...  
Completely one of a kind.*

*You loved us all so much,  
And for that I thank you.  
My grandparents...my inspiration...  
My friends...my heroes.*

*But now you have left us all,  
And we grieve, mourn, and weep.  
But nothing can take away,  
The memories...  
Of every little thing you have done for us.  
Every act of love you've shown to us,  
And all stories we have of you.  
You have left this world for good...  
But never will you leave our hearts!*

*We will all miss you so very much,  
But will never forget you two.  
In our hearts you will be,  
Always and forever...*

*-Written by Nick Overbeck, Age 12*

[www.overbeckfoundation.org](http://www.overbeckfoundation.org)